IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 680 of 1998

in

SPECIAL CIVIL APPLICATIONNo 3367 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL
and
Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO No

2. To be referred to the Reporter or not? No :

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO No

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO No

5. Whether it is to be circulated to the Civil Judge? No :

STATE OF GUJARAT

Versus

UNAVA AGRICULUTRAL PRODUCE MARKET COMMITTEE

Appearance:

MR SK PATEL, AGP for Appellants

MR KS JHAVERI for Respondent No. 1

CORAM : MR.JUSTICE J.M.PANCHAL
and
MR.JUSTICE A.M.KAPADIA

Date of decision: 06/11/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE J.M.PANCHAL)

This appeal, which is filed under Clause 15 of the Letters Patent, is directed against interim order dated May 8, 1998 rendered by the learned Single Judge in Special Civil Application No. 3367/98 by which the appellants were directed to restore the position of original petitioners no.2 & 3 which was prevailing on April 20, 1998, within two weeks from the date of order. It may be stated that the petition is filed for quashing and setting aside order dated April 21, 1998 passed under section 54 of the Gujarat Agricultural Produce Market Act, whereby the nominated members of Unava Agricultural Produce Market Committee were removed and other members were nominated and also for a direction to the respondents to restore the position prevailing on April 20, 1998. The learned Single Judge on May 8, 1998 by interim relief directed the appellants to restore the position of original petitioners no.2 & 3 which was prevailing on April 20, 1998, which has given rise to the present appeal.

2. Mr. K.S.Zaveri, learned counsel for the respondents states at the Bar that the term of Unava Agricultural Produce Market Committee had expired by afflux of time, after which fresh elections were held and as Unava Agricultural Produce Market Committee is being administered by the newly elected body, the appeal should be disposed of as having become infructuous.

3. The statement made at the Bar by the learned counsel for the respondents is not controverted by the learned counsel for the appellants. The statement made at the Bar by the learned counsel for the respondents makes it evident that the term of the members of Unava Agricultural Produce Market Committee had expired by afflux of time and thereafter fresh elections were also held, as a result of which now the Market Committee is being administered by newly elected body. Therefore, we are of the opinion that the appeal has become infructuous and deserves to be disposed of accordingly.

For the foregoing reasons, the appeal fails and is dismissed with no order as to costs. The appeal stands disposed of as infructuous.

(J.M.Panchal,J.)

(A.M.Kapadia,J.)

(patel)